

Case: United States v. Mario Arnaldo Henriquez
05 Cr. 1314 (KMK)

Date: June 8, 1990

Participants: Judge Kenneth A. Baglin
Neil Cassman - INS Attorney

Abbreviations: U/I = Unintelligible
(ph) = Phonetic Spelling
// = Voices overlap
sl = Sounds like

1 Judge: This is the Immigration Court of Boston, June 8th 1990. Immigration
2 Judge Kenneth A. Baglin (ph). Deportation proceeding file
3 A12345175, Mario Arnaldo Henriquez. On behalf of the
4 Immigration Services, Neil Cassman (ph), General Attorney, Boston,
5 Mass. The respondent is not present in court at this time. In prior
6 proceedings the respondent had admitted the truth of the factual
7 allegations and the Order to Show Cause and conceded deportability
8 as charged. Ecuador was designated by the respondent as the country
9 for deportation purposes if necessary and the case was sent down uh
10 for a hearing originally on April 23, 1990 at 1:00 in the afternoon.
11 And then that date was changed. I believe I was out sick that day and
12 on April 25, 1990 a notice was sent out relative to a hearing today at
13 1 o'clock. The notice was sent to Eva H. Clark of 30 Julian Street,
14 Dorchester, Massachusetts, 02125. That is the person who has
15 submitted to the Court a Notice of Appearance dated October 31,
16 1989. And in that Notice of Appearance, ah, she indicates that she's
17 a member in good-standing of the Massachusetts Supreme Judicial
18 Court. Um, at the time of the uh, hearing on October 31, 1989, the
19 respondent indicated that through counsel, he would be seeking a
20 waiver under Section 212-C of the Act. He was directed to file this
21 application no later than December 15, 1989. Uh, the respondent,
22 strike that, the record of proceedings contains no I-191 application
23 for waiver and in reviewing the case, cases for today I noticed that
24 there was no waiver application in the file. Uh, upon the long-term
25 residence or apparent long-term residence of the respondent, I
26 wanted to check further on this and have the court clerk contact the
27 trial attorneys to see whether or not they had received an I-191. Um,
28 we were advised that they had not received one so I then had the
29 clerk call the attorney to see whether or not she had received an I-
30 191. The court clerk advised the Court that ah, when she attempted
31 to call the attorney at the phone number listed in the Notice of
32 Appearance, she received a recording indicating that the number had
33 been disconnected. At that point I requested the law clerk to call the
34 Massachusetts Bar Association to see if this attorney was still a
35 member in good-standing. And she did so, and was advised by the
36 Bar Association that the attorney was suspended for administrative
37 reasons on April 5, 1990. Um, I will note for the record that the date
38 of the notice to the attorney was April 25, 1990, which would have
39 been after the date that she was suspended, according to the Bar
40 Association. What I propose to do is to send a notice out um, at least

1 to the respondent at his last known address, which I have as 16
2 Conistan Road, 2nd Floor, Roslyndale, Massachusetts, 02131.

3 Cassman: Could I just have your U/I

4 Judge: Yes, uh huh.

5 Cassman: U/I preparation for this case Your Honor I did contact, after I U/I the
6 two U/I applications had been U/I submitted to us U/I the Court. U/I
7 parole officer, from the US Parole Department and uh, I was advised
8 that, he would be released to the parole office, probation office in
9 New York City, Your Honor. U/I Um, contacted, um the U/I to, who
10 would be responsible for this case and uh, U/I did get an address in
11 New York to which the respondent should be reached.

12 Judge: Okay.

13 Cassman: And he would U/I the probation officer in Boston indicated to me
14 that the requirements U/I pursuant to U/I in this case. We haven't
15 received any U/I

16 Judge: No, I have nothing here to indicate that.

17 Cassman: U/I have um, um, a Cindy Henriquez.

18 Judge: How do you spell the first name?

19 Cassman: C-I-N-D-Y

20 Judge: Uh huh. Henriquez. H-E-N//

21 Cassman: It's the same H-E-N-R-I-Q-U-E-Z.

22 Judge: Okay.

23 Cassman: 47-10

24 Judge: 47 what?

25 Cassman: Dash.

1 Judge: Oh, dash ten.

2 Cassman: U/I A-U-R-E-L.

3 Judge: Uh huh.

4 Cassman: 045. Queens, New York. I couldn't get a zip code Your Honor.

5 Judge: Okay. We should be able to get that.

6 Cassman: And, I have a telephone number that the

7 Judge: Okay.

8 Cassman: 718

9 Judge: Uh huh.

10 Cassman: 472-4823.

11 Judge: 4823.

12 Cassman: U/I Yes. U/I that's U/I couldn't get a connection. The probation
13 officer tried to call that number. But, they tried from Boston and
14 didn't have any success. U/I In other words, he started a number of
15 U/I in New York U/I involved in U/I another U/I in New York.

16 Judge: Uh huh.

17 Cassman: Maybe U/I a number of U/I notice to the respondent that the U/I

18 Judge: Yeah, I think we'll send it to both addresses and I'll send one as well
19 to the attorney, just in case the attorney's been re-instated at that
20 point. So, let me get the dates of the next hearing. We'll go off the
21 record for that purpose.

22 Judge: Okay, we're back on record. I've been advised by the court clerk that
23 the next available hearing date is February 25, 1991 at 9:00 in the
24 morning. And, so we will send notice of that hearing date as
25 indicated. And we'll be adjourned until then.

